

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:13CR74 RAS/DDB
	§	
HUEY LEE KENNEDY	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on February 17, 2015 to determine whether Defendant violated his supervised release. Defendant was represented by John Guisso. The Government was represented by Andrew Stover.

On November 19, 2002, Defendant was sentenced by the Honorable Sidney A. Fitzwater, United States District Judge, to a sentence of 121 months imprisonment followed by a 5-year term of supervised release, for the offense of Conspiracy to Possess With Intent to Distribute and to Distribute in Excess of 5 Kilograms of Cocaine and in Excess of 50 Grams of Cocaine Base, and Aiding and Abetting. On April 26, 2004 the sentence was modified to 63 months custody. Defendant began his term of supervision on January 25, 2010. On April 2, 2013, the case was transferred to the Eastern District of Texas and the Honorable Richard A. Schell.

On April 2, 2013, the U.S. Probation Officer filed a Petition for Offender under Supervision (the "Petition") (Dkt. 2). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant

shall not illegally possess a controlled substance; and (3) Defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

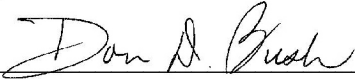
The Petition alleges that Defendant committed the following violations: (1) On September 12, 2012, Defendant was indicted in the Eastern District of Texas, Sherman Division, on Count One of Conspiracy to Possess with the Intent to Manufacture and Distribute Methamphetamine, and Count Two of Conspiracy to Possess with Intent to Distribute Cocaine. On November 6, 2012, Defendant was arrested by DEA agents outside his home in Grand Prairie, Texas. According to the Indictment, Defendant knowingly and intentionally conspired with other persons in the commission of this offense.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the February 17, 2015 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of thirty (30) months to run consecutive to any other sentence being served, with no supervised release to follow.

SIGNED this 9th day of March, 2015.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE